

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. JAMES TINO WHITE, JR., Defendant.	CR 20-88-GF-BMM ORDER
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The Court previously has ordered Defendant James Tino White (“White”) into the custody of the Attorney General, consistent with the provisions of 18 U.S.C. § 4241(d), to determine whether there exists a substantial probability that in the foreseeable future White will attain the capacity to permit the proceedings to go forward. (Doc. 31). The Court first ordered White into the Attorney General’s custody in August 2021. (*Id.*)

The Court conducted a status call with the parties on May 26, 2022, regarding White’s competency and potential restoration. (Doc. 35.) The Court and parties discussed White’s first forensic evaluation report. (*Id.*); (Doc. 34.) The parties

stipulated and the Court agreed with the forensic evaluation's findings that White should continue to undergo competency restoration procedures. (Doc. 35.)

The Court then ordered that White remain in the custody of the Attorney General and that he continue to receive competency restoration procedures for a reasonable period not to exceed 120 days. (Doc. 38.) The Court ordered that White's health care providers submit a new forensic evaluation report at the completion of White's new evaluation period. (*Id.* at 2-3.)

The Court received an updated forensic evaluation report from Dr. Evan S. Du Bois on October 26, 2022, informing the Court that White remains incompetent to proceed and of the unlikelihood of White's restoration in the foreseeable future. (Doc. 41 at 13.) The forensic evaluation also recommended White as suitable for civil commitment. (*Id.*) The Court then conducted a competency hearing on November 7, 2022. (Doc. 43.) The parties stipulated and the Court agreed with Dr. Du Bois's findings and his recommendation that White appears suitable for civil commitment pursuant to 18 U.S.C. §§ 4246 and 4248. (*Id.*)

The Court finds that that White suffers from a mental defect that renders him mentally incompetent. The Court finds that White cannot understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Court also finds that, due to the nature and extent of White's impairment, he will remain unable to stand trial for the foreseeable future.

Therefore, **IT IS HEREBY ORDERED** that:

1. The Defendant, James Tino White, Jr., is committed to the custody of the Attorney General for a period of time not to exceed four months, consistent with the provisions of 18 U.S.C. § 4241(d), to determine whether there exists a substantial probability that in the foreseeable future that White will attain the capacity to permit the proceedings to go forward.

2. White is committed to the custody of the Attorney General for an additional reasonable period of time until: 1) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or 2) the pending charges against him are disposed of according to law, whichever is earlier.

3. If at the end of the specified time period it is determined that White's mental condition has not so improved as to permit the trial to proceed, White is subject to the provisions of 18 U.S.C. § 4248.

Dated this 8th day of November, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris, Chief District Judge
United States District Court